

Dear Advisory Council Members and Constituents:

The National Marine Sanctuary Program (NMSP) has developed a solution to address the long-term administration of the Joint Management Area (Marin and San Mateo County portion) of the Monterey Bay National Marine Sanctuary (MBNMS). This solution puts community interests foremost in the protection of the vital coastal and offshore resources and is the result of an open public process and rigorous data collection and analysis.

The enclosed decision document provides the background, rationale, and programmatic changes regarding the Joint Management Area. It is intended to make clear not only the basis for this decision, but also the program actions and investments that will take place to implement and support this decision. I am confident that this solution will:

- Ensure that the protection of sanctuary resources is maintained or enhanced
- Increase the quality of NMSP programs and services available to local communities
- Reinforce a sense of community ownership and coastal stewardship
- Provide for more efficient and cost-effective uses of program resources

This decision document, along with supporting documentation, is posted on the JMPR website at <http://sanctuaries.nos.noaa.gov/jointplan/>. I will attend a public briefing in Half Moon Bay on March 24, 2004 from 7:00 – 8:30 PM at the Cunha Intermediate School to present this decision and the details of the implementation plan, as well as answer questions from the advisory councils and the general public.

If you have any questions, please call Michael Weiss, Deputy Director, at 301-713-3125 x216 or (Michael.Weiss@noaa.gov). On behalf of the NMSP, I thank you for your continued interest in the National Marine Sanctuary Program and for helping shape the future management of these sanctuaries.

Sincerely,

Daniel J. Basta
Director
National Marine Sanctuary Program

Enclosure

Decision Document

Determination of Management Responsibilities for the “Joint Management Area” of the Monterey Bay National Marine Sanctuary, Adjacent to the Gulf of the Farallones National Marine Sanctuary

February 11, 2004

Purpose

This decision document provides the background, rationale, and programmatic changes regarding management of the “Joint Management Area” of the Monterey Bay National Marine Sanctuary, adjacent to the Gulf of the Farallones National Marine Sanctuary. It is intended to make clear not only the basis for this decision, but also the program actions and investments that will take place to implement and support this decision.

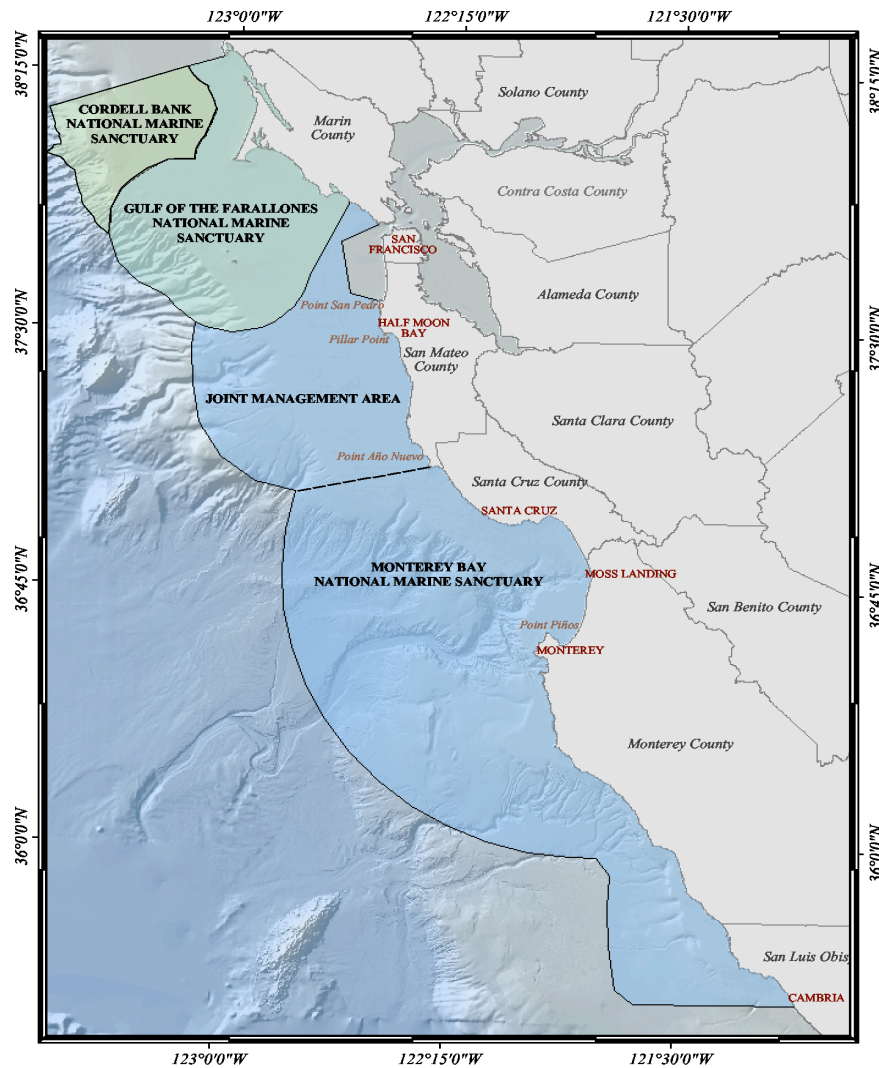
Objective

The fundamental objective is to ensure the maximum protection of marine resources within the Joint Management Area, and throughout both sanctuaries, as well as to provide a basis for the maximum participation by local citizens and institutions in the management regime to be established. This objective is the guiding principle for this decision, as well as for the overall program thrust of the National Marine Sanctuary System.

General Background

The issue or controversy of how best to manage the Joint Management Area has a long history. It is influenced by geo-political and cultural differences along the North-Central coast of California that precede the designation of National Marine Sanctuaries within this region. It is also conditioned by the timing of events and political climate at the time each of these sanctuaries were designated. The Gulf of the Farallones National Marine Sanctuary (GFNMS) was designated in 1981, whereas the Monterey Bay National Marine Sanctuary (MBNMS) was designated in 1992. In both cases, community and supporting interests sought to achieve the maximum area to be brought under sanctuary designation that could be achieved at that point in time. Among the principal issues of concern to California citizens was to ensure the prevention of oil and gas drilling off their coasts, as well as to protect critical bird nesting and migratory paths, and to create a continuous interrelated zone offshore between the GFNMS and MBNMS.

Map: This map highlights the area under discussion, also known as the “Joint Management Area” of the Monterey Bay National Marine Sanctuary. It shows this area in context of the three National Marine Sanctuaries along the North-Central California Coast.



Attention was also given to the special biological and ecosystem properties within the region. However, Californians stressed concern that coastal waters be protected from future oil and gas development. These considerations are important to note because the northern extent of the MBNMS, designated in 1992, was extended northward to be coterminous with the GFNMS and include coastal areas north of San Francisco Bay. The footprint of the combined designations provided a comprehensive coverage that constituents and supporting interests desired, but little or insufficient thought had been given to the implications for the management regimes that were to evolve. The full scale and scope of sanctuary management and its direct connection to local communities had yet to be created.

Consequently, the present situation exists which does not necessarily fit the perception of appropriate management regimes and sense of “ownership” geographies of local communities. Some notion of this was recognized early on, although the full implications were not completely understood as the program struggled with building its management structures. The chronology of events beginning in 1992 describes a

number of efforts of separate administrative control, joint management, plans for a task force, etc., that were attempts to find a solution acceptable to each of the sanctuaries, as well as to the full range of constituents throughout both sanctuaries. Nevertheless, as the overall program evolved, and increasing investments were made in each sanctuary and its related programs, the issue remained unresolved.

The Joint Management Plan Review (JMPR) process initiated in December 2001, to develop integrated management plans for the MBNMS, GFNMS, and Cordell Bank National Marine Sanctuary (CBNMS), was determined to be the forum or mechanism for the long-term resolution of this issue.

Joint Management Plan Review (JMPR)

Resolution of this boundary issue was identified as a priority problem within the JMPR public scoping process and the Sanctuary Advisory Council planning and prioritization processes. Therefore, an internal Boundary Assessment Team and a two-phase process were created to address this issue. In Phase I, a Boundary Assessment Team was formed that consisted of personnel from both sites, headquarters, and other experts in NOAA, as well as observers from each Advisory Council. The Boundary Assessment Team was charged with gathering and assessing the biologic, ecologic, economic, and jurisdictional data necessary to conduct a thorough analysis. This analysis of the Joint Management Area and the boundaries associated with it represents the most comprehensive and detailed analysis of this type undertaken by the National Marine Sanctuary Program (NMSP) to date.

The internal working group was to determine: 1) if there were ecosystem boundaries or properties that warrant a boundary change to better organize management activities on an ecosystem basis; 2) the users, their economic interests and their relationship to this area; and 3) how state, local and other federal agencies organized themselves in this region (analyzed to determine the extent to which any boundary change would align sanctuary management better with these jurisdictions). A very thorough comprehensive effort resulted. However, as with all such complex analyses there remain many shades of gray interpretation, because of less than perfect data to address every aspect of the ecosystem and the region. These results, issued as a Draft Findings Report in July 2003, were presented in Phase II to each Advisory Council for its formal comment and review and have been made available to the public and all participants.

An Abundance of Public Input

Public input in Phase II of the Boundary Assessment Team process was the most recent public input to resolution of this issue. The public became engaged in this issue in late 1996 and 1997 when the NMSP began to evaluate the effectiveness of the temporary management measure that had been instituted in the Joint Management Area. The issue was whether or not to continue this arrangement. From 1996 to early 2000, the NMSP received periodic comments from individuals, user groups, organizations, cities, counties, and members of Congress. The NMSP received specific resolutions from the counties of Marin, San Francisco, and San Mateo requesting that the GFNMS boundary be moved to the San Mateo/Santa Cruz County line. Comments were also received from Santa Cruz County and the Association of Monterey Bay Area Governments (AMBAG) recommending the boundary not be moved. In total, the public comments received over this period ranged from maintaining the “shared” arrangement, to making MBNMS solely responsible for managing the area, to moving the boundary to the San Mateo/Santa Cruz line, to making the entire area one sanctuary. The boundary issue has also received periodic news coverage by local and regional media.

As part of the JMPR process, 20 public scoping meetings were held throughout North-Central California and the NMSP received over 12,000 comments on sanctuary management-related issues. Numerous comments were directed at providing solutions to the Joint Management Area issue. Comments ranged from keeping the current boundary, to moving the joint boundary to Año Nuevo, to combining all three sanctuaries, to adding the currently excluded area off San Francisco. At a joint Advisory Council JMPR prioritization meeting (Spring 2002), the CBNMS, GFNMS, and MBNMS Advisory Councils collectively agreed that resolving this boundary issue should be a priority issue.

The NMSP conducted a joint MBNMS-GFNMS Advisory Council workshop on December 4, 2003 to present findings to date and accept public comment. Written public comments were accepted through January 5, 2004. In addition to over 40 oral and written comments received at the workshop, the NMSP has received over 70 written comments from the following groups: elected officials – city, county, state, federal; GFNMS and MBNMS Advisory Councils; organizations; and individuals.

The Relevant Facts to Consider

Based upon the public comment, recommendations of each of the Advisory Councils, the Boundary Assessment Team, local officials and others, a set of facts that are supportable and relevant to this issue are listed below in no particular order or priority.

- No clear overall biogeographic boundary that better aligns the ecosystem with the boundaries of each sanctuary exists to support a boundary realignment.
- The mix and spatial distribution of jurisdictional boundaries between state, federal, and local agencies within the region do not provide a clear rationale for a boundary realignment to improve coordination.

- Economic uses are diverse and widely distributed northward and southward of this area, providing no clear indication of how a boundary alteration would better support local economies, visitors, and users.
- It appears that a long standing geopolitical divide between the counties of San Mateo northward in relation to Santa Cruz and counties southward has generally existed for some time and exists today. However, the significance of this geopolitical context is very hard to quantify. This seemingly north-south debate predates the designation of the MBNMS and the GFNMS, and may be an underlining feature affecting how other state and local jurisdictions also operate.
- Many citizens, as well as local politicians and institutions, in Marin and San Mateo counties identify more strongly with, and look for most services in, the greater San Francisco region. Consequently, they do not identify the MBNMS main office (134 miles to the south) as a focal point for program administration along their coast.
- A clear message during this process is that an increase in investment is needed within the Joint Management Area. Any resolution to the boundary issue must recognize the need for program and infrastructure enhancements.
- All participants in the public, advisory councils, and within the NMSP agree that resource protection is the primary objective, and all also agree that public participation in the management and stewardship of these places is the goal to be achieved.
- Any boundary change would require opening the designation documents for each site, NEPA and rulemaking processes, and is projected to cost approximately \$500K and require 12-24 months.
- Any boundary change would require analysis, interpretation, and possibly a change to statutory language pertaining to oil and gas activities in this area.

What Do We Actually Manage?

In order to arrive at an outcome to achieve the objective of resource protection and stewardship, it is important that a fundamental reality of how and what we manage also be considered. It is very common to state today that programs are managing ecosystems. For example, the National Marine Sanctuaries Act has a strong ecosystem focus. This premise assumes that ecosystems are the units of nature within which impacts and effects are manifested, and hence must be managed holistically to ensure that all the connections within the system are considered. As important as this premise is to embrace, many factors constrain its implementation.

In reality, ecosystems are not managed. What we do manage, however, is human behavior to achieve the objectives of comprehensive ecosystem protection. The management actions that are taken are to affect the behavior of humans and how their actions affect the ecosystem. In the end, the purpose is to affect the behavior of humans;

to manage that behavior and resultant outcomes, not to manage the behavior of ecosystems. Consequently, finding the best management regime in which to organize and bring to bear effects on humans is the primary management challenge. This requires that the resolution of the boundary issue provide for the maximum ability to affect or bring to bear local constituents, institutions, and interest groups that will “own” the management problem. Considering this perspective makes us think more clearly about what are we trying to do and how do we get there.

Outline of a Comprehensive Solution

To achieve the overall common goal of resource protection and stewardship a comprehensive solution is necessary. The solution must address all facets that will affect the outcome. These include the boundaries themselves, management regimes, JMPR programming, resources, investments, the geopolitical fabric of the region, and the role of advisory councils.

The solution outlined below does not change the boundaries of either the Monterey Bay or Gulf of the Farallones Sanctuaries. It does, however, reorganize management responsibilities and program activities and identify additional program resources that will be added to both sanctuaries. The Gulf of the Farallones Sanctuary is given the management responsibilities for ensuring implementation of program activities and Monterey Bay Sanctuary regulations within the Northern Management Area of the Monterey Bay National Marine Sanctuary (formerly the Joint Management Area).

Boundaries:

- Based on all of the information gathered and produced and the concerns expressed throughout the region, the legal boundaries of each sanctuary will remain as is. (It is important to note that this does not apply to other potential boundary changes under consideration in the JMPR, e.g., expanding MBNMS boundaries to include the Davidson Seamount.)
- Based on the geopolitical context of the region, an administrative area will be established in the MBNMS, from the San Mateo/Santa Cruz county boundary extending north, to be administered by GFNMS.
- This new administrative area will be officially named the “Northern Management Area of the MBNMS” (NMA) and will orient management of this area more in line with the San Francisco Region as a focal point for Marin and San Mateo counties.
- All regulations of the MBNMS will continue to be applicable within the NMA and will be administered by the GFNMS .

How Will Management be Affected?

- The GFNMS will be responsible for developing and managing the full range of sanctuary programs within the NMA. A plan will be developed to specify the

activities to be undertaken in this area for the remainder of FY04 and for FY05. This will also require modification to the evolving JMPR activities at both sanctuaries.

- A “transition” working group, composed of staff from each site and headquarters, will be established to evaluate and recommend the changes necessary to each site’s JMPR results to date to account for the new management regime.
- The Monterey Bay Water Quality Protection Program will not only continue to be managed by the MBNMS in this area, but also the MBNMS will be responsible for all related water quality protection programs for the west coast sanctuaries, in coordination with local and regional water quality programs. We think this MBNMS program is the most successful of this type anywhere in the nation, and hence justifiably should maintain that responsibility throughout all sanctuaries on the west coast.
- To improve overall integration between GFNMS and MBMNS, an annual program integration workshop will be established. Responsibility and leadership for this workshop will rotate between the sites.
- A major objective of this realignment is to use this as an opportunity to sharpen programs and strategies, and clarify responsibilities within the NMA and each Sanctuary.

Resources to be Added:

- The resources necessary to effect this decision and related administrative changes are a NMSP imperative, and hence are given the highest priority in FY04. This includes funds to hire at least two additional contract employees, and the reassignment of one Federal Full Time Employee (FTE) to the GFNMS to fulfill its new responsibilities.
- New fiscal resources will be added to the MBNMS to: 1) offset recurring shortfalls in personnel costs that have reduced funds applicable to programs, and 2) support an expanded Water Quality Protection Program. At least one additional contract employee will be added to the Water Quality Protection Program Staff.
- New program funds will be directed to the GFNMS to support new program requirements in the NMA.
- A “Shearwater” class (65’) Sanctuary small boat will be procured and stationed at the MBNMS for shared use in both sanctuaries, and as needed, will be available to other west coast sanctuaries.
- Funds to support any new JMPR activities required by this realignment will be made available.

- The Half Moon Bay field office will be expanded to accommodate up to three additional personnel and officially assigned to the GFNMS.

Sanctuary Advisory Councils:

- The Sanctuary Advisory Councils are the primary active constituent voice within the NMSP and at each site. Given the controversy that has surrounded the Joint Management Area issue, the charters of the advisory councils will be modified to require an annual “joint advisory council meeting” directed at the NMA. This will ensure that the interest of each community is considered for this area and for the overall North-Central California Coast. It is imperative that the local communities recognize their role in ensuring the success of this solution.

How is This Different from Past Attempts at a Solution?

The comprehensive solution outlined above is fundamentally different from past attempts at resolving this issue. First, and perhaps most important, this solution is long-term and intended to be permanent. This is not a temporary or transitional solution. Second, the solution outlined gives specific program guidance to each sanctuary and provides the fiscal, personnel, facilities and other resources necessary for implementation.

It also provides a mechanism for better aligning sanctuary management to help ease what will likely continue to be a debate among the geopolitical interests in the region. For example, it identifies additional activities to be undertaken by the Advisory Councils and creates new integration requirements for each sanctuary and council. But as important is that this solution is the result of an open public process, and a rigorous data collection and analysis process. The manner in which this solution was arrived at is as important as the solution itself. Lastly, the decision does not comprise or imply a future need to reconsider the terms of this solution.

Implementation

Given that this issue has been a continuing problem for at least a decade as described above, all parties generally have recognized it is critical to make a decision and move on. The solution presented here must be decisive and implemented as rapidly as possible.

What is critical is to begin a clear management regime with unambiguous responsibilities and authorities and forge a partnership for success. Implementation, therefore, will require all participants inside and outside the NMSP to move forward as outlined. The key implementation elements are as follows:

1. Implementation will begin in March 2004, at which time the NMA will be established and officially implemented as specified as above. For example, the transition working group will be initiated immediately, since its conclusions will provide important input for the FY04 and FY05 NMA plans (below).

2. The additional resource allocations for implementation will be finalized and allocated by April 1, 2004.
3. A contract for acquisition of a Shearwater-Class small boat will be entered into in FY04.
4. The GFNMS will produce operational plans for FY04 and FY05 for the NMA by March 15, 2004 and June 15, 2004, respectively. These plans will not only specify area-specific activities but also highlight other program integration activities across both sanctuaries.
5. The first annual overall NMA integration workshop will take place no later than September 1, 2004
6. The Charters of both Advisory Councils will be modified to require an annual joint meeting, no later than October each year, on the NMA and other MBNMS and GFNMS integration issues and opportunities.
7. All other administrative actions necessary to implement this comprehensive solution as described above will begin on March 1, 2004.

It must be kept in mind that management is a continuous and ongoing process. Although the impacts of solution on the JMPR process must be assessed and plans modified accordingly, the objective is to not short-circuit completion of the revised management plans under development. Consequently, complete and total refinement of the prescribed change to JMPR results is not necessary initially. But it is critically important that a mechanism and a process be in place within the plans to ensure these changes are assessed over time as the plan is proceeding with implementation and update.

Summary of Rationale

The primary rationale for this decision lies with the overriding objective to maximize direct community participation and “ownership” in sanctuary management to achieve the primary purpose of resource protection. It recognizes that affecting people and behavior are the objectives and challenges of management. For resource protection to be successful, local communities and stewards must actively own or participate in the process of management. This comprehensive solution will provide a net positive impact on protection by adding new resources and program direction, and realigning sanctuary management to more effectively enable local communities to become more actively involved in resource protection.